

**SUPERIOR COURT OF CALIFORNIA,**  
COUNTY OF SAN DIEGO  
HALL OF JUSTICE  
TENTATIVE RULINGS - January 12, 2023

EVENT DATE: 01/13/2023                      EVENT TIME: 10:30:00 AM                      DEPT.: C-64  
JUDICIAL OFFICER: John S. Meyer

CASE NO.: 37-2022-00008623-CU-BC-CTL

CASE TITLE: HERRING NETWORKS INC VS AT&T INC [EFILE]

CASE CATEGORY: Civil - Unlimited

CASE TYPE: Breach of Contract/Warranty

EVENT TYPE: SLAPP / SLAPPback Motion Hearing  
CAUSAL DOCUMENT/DATE FILED:

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**TENTATIVE RULING**

Based on Herring's statements at the January 5, 2023 ex parte, its motion to seal is **OFF CALENDAR**.

AT&T's motion to seal is **CONTINUED** to April 21, 2023 at 10:30am, to coincide with AT&T's motion to uphold confidential designations. No further briefing or evidentiary submissions will be considered in connection with the motion to seal.

The court has reviewed Herring's and AT&T/Kennard's briefs on the issue of whether the demurrers and anti-SLAPP motion can/should be decided before the jurisdictional issues raised by the pending motions to quash are resolved. "Invariably, a motion to quash is heard as a preliminary matter, before other motions attacking the pleadings and before proceeding on the merits." (*ViaView, Inc. v. Retzlaff* (2016) 1 Cal.App.5th 198, 213.) As such, upon further consideration and on the court's own motion, the (1) demurrer by AT&T and AT&T Services, (2) demurrer by Kennard, and (3) anti-SLAPP motion by all three are **CONTINUED** to July 7, 2023 at 10:30am. No further briefing or evidentiary submissions will be considered in connection with these three matters.